

MINUTES

P & Z COMMISSION HEARING

November 19, 2009

ATTENDANCE

P & Z Commissioners

ATTENDED

Wendell DeCross, Chairman

Joel Lawson

Jason Hatch

Ruth Ann Smith

Chuck Teetsel

Bob Hall

ABSENT

Evelyn Meadows

Carol Davis

Robert K. Black, Sr.

Bill Rawlings

Rick Slone

Staff Attendance

Greg Loper

Bill Fraley

Linda Elliott

Peggy Saunders

Meeting held at the Navajo County Board of Supervisors Chambers, Holbrook, Arizona - Time: 6:01 p.m.

Chairman, **Wendell DeCross** called the meeting of the Navajo County Planning & Zoning Commission to order. Mr. DeCross led the Pledge of Allegiance and explained the meeting procedures to the public, as well as some of the housekeeping rules. He asked those who wish to address the Planning and Zoning Commission to come to the podium, and state their name prior to speaking, and reminded everyone to be sure to sign in. Mr. DeCross announced that they were going to change the way the Commissioner's vote. In the past they have done a role call vote, now there will be a voice vote, unless it is close; then they will vote by role call.

Item # 1 - MASTER DEVELOPMENT SITE PLAN AMENDMENT: Discussion and possible Commission action on a request by Voyager at White Mountain Lakes LLC, for a Master Development Site Plan Amendment to allow a restaurant with a bar as a permitted use on Tract 2 where (office use was previously approved) as part of Juniper Ridge Resort Special Development, on the subject property known as APN: 304-94-532, in Section 15, Township 11 North, Range 22 East, in the White Mountain Lake area.

Linda Elliott presented the Staff Report for the Master Development Site Plan Amendment, for the Juniper Ridge RV Resort. This is an existing Master Development that has been in existence since 1982. They are amending the use of an existing building. Staff received two letters in opposition, and between 6-10 letters in favor of the restaurant. **Ms. Elliott** pointed out the building location on the site map, which is on the right side on White Mountain Lake Road off of Highway 77, east to Juniper Ridge Drive on the right hand side, where there is existing parking. Staff doesn't have any major items of concern, but has conditions that should be applied should the Commission decide to grant this Master Development Site Plan Amendment request, which were read into the record. Staff received a letter from the White Mountain Fire District stating they will serve the area. **Bill Fraley** displayed photos showing the entrance into the sales office, the landscaping, parking etc. The last photo showed a view of the entire building with a trail behind the building. The primary issue is that in the future, there will be more traffic turning off from the intersection into the parking area. There will also be a bar, so they will have to obtain or transfer the license from "Little Bit" to "A Little Bit More" restaurant and bar. All remodeling must adhere to the building codes.

Owner/Applicant Comments: David Stewart reiterated the goals set in the Letter of Intent, with a primary interest being to meet the needs of the community for a dining and entertainment venue. The building remodel is up to code, and there is ample parking for public use. There is approximately 2,000 sq ft that is limited for the public use area. The 1.4 acre parcel is surrounded by State land on two sides, a golf course on one side and an undeveloped area on the fourth side that was part of the RV Park. Some neighbors are within 300 feet of the parcel property line but not within 300 feet of the building, which will minimize the noise to the neighbors. He wants to satisfy the neighbors, and pointed out that item #5 on the letter of intent addresses the fact that this is a replacement of an area restaurant that was established in 1967, but had burned down in February, and this is a superior building with paved parking. Mr. Stewart has spoken with people in the neighborhood and has received positive feedback, and signatures of 150 residents who are in favor of the project. These signatures were submitted to Staff for the record. Their only concern is that traffic issues be worked out to the satisfaction of everyone in the neighborhood. With the support he has received so far, he feels it can be done.

In Favor: **Mike Connolly**, resident, and President of the Juniper Ridge HOA has seen overwhelming support for the restaurant. Mr.

Connolly felt the restaurant will take care of the needs of the community, and will be a good addition to their community. The Board of Directors is in favor, and at both meetings where this project was discussed, there was overwhelming support. They have gotten some negative feedback, but there will always be someone who is against a project. He cited one person who is against the restaurant, because she is a vegetarian and doesn't drink. The majority of the people are in favor of the project. He also noted that this particular property, although considered part of Juniper Ridge, is not encumbered by the HOA nor by the CC&R's for Juniper Ridge.

Wayne Smith is one of the original developers for Voyager, LLC (Juniper Ridge), and they still have quite a bit of the property that remains undeveloped, and with the addition of a restaurant/bar they now have something else to offer potential residents. Some increase in traffic is inevitable when there is development.

Opposed: **Lawrence Wojtowicz** was opposed to the project because it was not presented to the entire Juniper Ridge community. Many owners are summer residents and do not live there full time. He said there have been three restaurants that have failed in that area and the building would not be the same after it is remodeled. It was designed as an office building, which was the original use. He felt it should continue to be used as a sales office, and other offices. His Real Estate group was looking to buy the building to take care of rentals and sales. He wants the rest of the homeowners to have the opportunity to have this project discussed under the open meeting laws in order to give their approval. (Section for the open meeting law was cited.)

Staff's Questions/Comments: None

Commissioner's Questions/Comments: **Wendell DeCross** asked if the golf course was open to the public, **Mr. Connolly** said, yes; and the barber/beauty shop is also open to public. **Mr. Connolly** also said the site for the proposed restaurant is not owned by Juniper Ridge, and is not part of their development, so they have no control over the building, but they are good neighbors. **Joel Lawson** asked if you would have to go through a gated entrance to get to the restaurant. The answer was no, the gate divides the restaurant from the Juniper Ridge community. The gate will be shut before the restaurant is opened. **Bob Hall** asked if the meeting that 200 people attended was open to the public. According to **Mr. Connolly**, community members in the audience at that HOA meeting said yes, and everyone there was excited about the project and supported the restaurant/bar. They looked forward to being able to drive their golf carts to the restaurant, which would save fuel and would also be a valuable asset to the seniors that live in the community. **Mr. Connolly** emphasized that this was not Juniper Ridge property, so the HOA has no authority to decide how the property would be used. **Chuck Teetsel** asked the distance of the buildings from nearby residences. **Dave Stewart** said the building parking lot is 100 feet from the property line, which means there is 400 feet to the closest residence. **Bill Fraley** noted that the map with the distances shown was provided in the Commissioner's packet. A motion was made by **Chuck Teetsel** to recommend approval of this Master Development Site Plan Amendment with the recommendations and conditions stated by staff. **PUBLIC WORKS DEPARTMENT RECOMMENDATIONS:** *1. All Navajo County building and safety codes must be adhered to prior to a certificate of occupancy being issued. 2. All handicap accessible issues must be resolved with the Navajo County building department. 3. All parking requirements, including numbers and size of, must adhere to the Navajo County Zoning Ordinance. A parking plan shall be submitted with the building permit application. 4. All signage must adhere to the Navajo County Zoning Ordinance and a permit obtained as required. 5. All lighting must adhere to the Navajo County Lighting Ordinance.* The motion was seconded by **Bob Hall**, and passed unanimously. **In Favor: 6, Opposed: 0.**

Greg Loper reported that this item would be heard before the Board of Supervisors on Tuesday, December 8, 2009, in the Board Chambers, with the Board meeting beginning at 9am. Notices will be posted in the newspaper and at the property site, and letters will be mailed to the property owners within 300 feet.

Item # 2 - Possible approval of the Planning & Zoning Commission 2010 hearing schedule.

A motion was made by **Ruth Ann Smith** to approve the Planning & Zoning Commission 2010 Hearing Schedule as printed. **Jason Hatch** seconded the motion. The motion carried unanimously. **Greg Loper** asked Commissioners if they would be attending the next meeting, which is on December 17th, a week before Christmas, or should staff consider cancelling the meeting. There are a few items that could potentially be on the agenda, but may not be ready in time. He asked the Commissioner's present if they may or may not be here in December. **Wendell DeCross** felt that if an applicant applies for any request it should be handled as soon as possible. If we do have a quorum we should be here to act on those requests. **Mr. Loper** pointed out that 3 of the 4 possible applications are for Met Towers, and that staff had not received responses to the information that was sent out to all the municipalities, the Petrified Forest, Game and Fish, Aztec Land & Cattle Company, etc. **Mr. Loper** also stated that due process for the developer is extremely important, but sending out advertisements, mailings, postings, and board packets is expensive, and if a quorum isn't available that money is wasted, as well as the time for the people who come from long distances who may want to attend the meeting. Some of the Commissioners present said they would be out of town and unable to attend, so **Mr. DeCross** suggested staff send out an email to poll the Commissioners to see if a meeting is possible, before the advertisement is sent out.

Item # 3 – Possible approval of the October 15, 2009 Minutes.

A motion was made by **Chuck Teetsel**, to approve the minutes as printed. **Joel Lawson** seconded the motion. The motion carried unanimously.

Item # 4 - Department Report to Commission. **Greg Loper** brought up an item for a future meeting, which would ask the Commission to take action to rezone an area east of the White Mountain Lakes where there are a number of Rural 20 lots that were illegally split down to 5 acres or less. The new owners are the victims because they purchased the property and now they can't get a building permit. Rather than do spot zoning, on individual parcels, staff would like the Planning Commission to consider rezoning a larger area to be RU-5 so people, who in some cases have invested their life savings, can be issued building and other permits. **Greg Loper, Bill Fraley, and Linda Elliott** met with some of the property owners, and **Mr. Fraley** reminded those present that these issues have come before the Commission in the past. A Special Use Permit was issued for a Guest Ranch (Curtain), near the Apache County line. Most of the accesses into the area are on roads from the Apache County side. (Grant and Stanford roads) **Greg Loper** agreed these changes could ease the problem with illegal lot splitting, but there are flood plain issues, with a basin in the area; the entire area has to be re-examined to see if there are buildings on the property that have not been verified. We are not in business to run people out of their homes, and we would like to try to accommodate them. At the same time, when you zone an area Rural 5, you invite larger parcels to do lot splits, which is clearly not an objective of this department. Staff wanted to bring this before the Commission to make you aware of the situation because this may come back before you as a Commission initiated action. **Chairman DeCross** agreed that we need to revisit that area to look at rezoning. **Bill Fraley** said part of the reason for the illegal splits is that people are looking for smaller parcels. We are not saying a zone change is an answer for illegal splitting, but if the market is saying that is what they want, we should take a look at it. Real Estate agents have told buyers they can build on the lots, but the County policy on undersized lots won't allow us to knowingly issue building permits. **Joel Lawson** said that maybe we should look at zoning county wide and make changes, if we all agree something should be done, because the Anti-Deficiency law that protects you if you are foreclosed on; to keep the bank from coming after you for the difference, is on 2.5 acres or less. So everyone who is forced to stay on a 20 or 10, or 5 acre parcel is precluded from that protection. When you look at areas like the one shown you have a conglomeration of people, but the County says without the density of people it is hard to provide the service because you aren't getting the property taxes, etc. Maybe we need to look at a lot of them that are Rural-20, because that may not be the best use of the land. **Bill Fraley** said the bottom line is we are not using the zone change to take care of a Code Enforcement issue. You also have to look at the roads, if there is no access, the County will not go in and build roads. What is appropriate for this property? Is it 5 acres or is it 10 acres? We could tell people to put the parcels back together. Also, just because it is zoned rural 5 does not mean that every parcel will be split into 5 acres parcels. **Greg Loper** stated that a property split more than 5 times is regarded as a subdivision, and that the County may have to start charging for splits, and revamp the approval process to flag a split at the Recorder's Office, in order to hold it up until the Planning Department can review the lot size requirements, easements etc. We may have to look at a possible lot split ordinance. **Chuck Teetsel** asked how a lot split ordinance would be implemented. **Bill Fraley** said P&Z would write up an ordinance, to be reviewed by the County Attorneys office, to be reviewed and recommended by the Commission, and then go to the Board for approval. We would have to work out a working agreement for a review process with the Records office and the Assessors office. We would need elected officials behind it before it goes to the Board. This would provide more clout to the requested ordinance. Twenty acre parcels should live up to the law, but it goes back to power line issues, and the difficulty for the utility companies to provide service to the parcels. There will still be no County roads, so there will be difficulty for emergency services such as fire, EMT's, Sheriff's Office, etc. to access the properties, so it will still be in same situation as exists today.

In a comment from the Planning Commission regarding other priority items, **Greg Loper** said it is on his tickler list, as well as a number of high priority items such as a Wind & Solar Power Ordinance and a Cell Tower Ordinance, but that the Planning Commission can approach staff at any time regarding items that they feel are important, but that direction by the Board of Supervisors would take precedence. Staff noted that a retreat is in order with staff and the Planning Commission for early next year.

Item # 5 - Commissioners' comments and/or directions to staff. Commissioners may use this time to offer additional comments regarding any item on this agenda or any other topic; and the Commission may direct Planning & Zoning staff to study or provide additional information on topics of the Commissioners' choosing.

Wendell DeCross stated he had asked staff to prepare an attendance score card, for the commissioners showing who has, and who has not been attending meetings this year. He appreciates staff efforts, and goes along with the theory that the general public is our customer and we need to take care of our customers. If we have to cancel because we don't have a quorum, that is just another thing the general public may complain about. This score card was done for his information. **Chuck Teetsel** was appointed to help remedy that situation. **Wendell DeCross** added to the Commissioners that he knows there are extenuating circumstances on some of the absences, and he is not looking at those.

Greg Loper announced that **Bob Hall** has been appointed to the Arizona Planning Association Board, and to have a rural person get that position is extremely rare. **Bob Hall** wanted to let everyone know that Winslow has a huge project that will affect Navajo County. The City of Winslow Planning & Zoning Commission approved a Special Use Permit for a new private prison within the city limits, with 5,000 inmates planned in phase one. The State wants to bring back prisoners they are outsourcing to save money. This will be right next to the prison already out there, but it will be privately owned. This will bring in millions of dollars to Navajo County, and the contract is supposed to be awarded by June 30th. Their construction group could have phase I ready within 18 months of the award of the contract. The State will save \$85-100 million dollars when they bring back prisoners that are outsourced. **Chuck Teetsel** asked how many jobs would be created; Mr. Hall said there will be 1,000 new jobs for phase 1. They planned the project in three phases,

with a total of 10,000 prisoners. Inmates will become Winslow residents, and will be part of the “Governor’s exclusive gated community”.

Wendell DeCross wished all those present a very Happy Thanksgiving.

With there being no further business to come before the Planning and Zoning Commission, the meeting was adjourned at **7:07** p.m. A motion to adjourn the meeting was made by **Bob Hall**. **Jason Hatch** seconded the motion. The Motion unanimously passed.

Approved this 18th day of February, 2010

Wendell DeCross

Chairman, Navajo County
Planning & Zoning Commission

ATTEST:

Alberto L. Peshlakai

Secretary, Navajo County
Planning & Zoning Department

